

Message Text

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ORIGIN L-03

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DRAFTED BY L/M:KEMALMBORG:AD

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FM SECSTATE WASHDC

TO AMEMBASSY MOSCOW

UNCLAS STATE 142687

E.O. 11652: N/A

TAGS: CFED, BR

SUBJECT: ARTWOHL CASE

FOR HAROLD BURMAN, NEW EMBASSY COMPLEX NEGOTIATING TEAM

1. SDNY ASSISTANT SCHAFFER HAS ASKED FOR DEPARTMENT'S VIEWS ON PLAINTIFFS' MOTION IN ARTWOHL CASE FOR AWARD OF ATTORNEY'S FEES. THEORY OF PLAINTIFFS' MOTION IS ANALOGY TO PRACTICE IN CHARITABLE TRUST CASES WHERE CLARIFICATION OF TRUST SERVES PUBLIC PURPOSE AND THUS EVEN LOSING PARTY MAY BE AWARDED LEGAL COSTS.
2. INITIAL REACTION BY SCHAFFER AND L/M IS THAT PARALLEL THEORY TO CY PRES FOLLOWED BY COURT IN DECIDING FOR DEPARTMENT DOES NOT CARRY OVER TO DEGREE THAT CHARITABLE TRUST PRACTICE ON AWARD OF COSTS APPLIES, OR SHOULD APPLY. ON OTHER HAND, AWARD WOULD COME OUT OF ESCROW ACCOUNT, NOT USG FUNDS, SO WE HAVE NO DIRECT CONTRARY INTEREST.
3. SCHAFFER NEEDS TO RESPOND TO MOTION NEXT WEEK, SO WOULD APPRECIATE BURMAN'S REACTION BY JUNE 12. ALSO, SHOULD ANY

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SUBSTANTIVE DEPARTMENT OFFICE BE CHECKED? VANCE

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Message Attributes

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Disposition Approved on Date:
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